# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/711,737 | 09/30/2004 | Lee George LABORCZFALVI | 2006579-0141 | 5736 |

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| EXAMINER |
|---|
| MORRISON, JAY A |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *22 April 2009*.

2a)☒ This action is **FINAL**.           2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-30 and 32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 9-10, 23 and 26-29* is/are rejected.

7)☒ Claim(s) *4-8, 11-22, 24-25, 30 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

## DETAILED ACTION

### *Remarks*

1.     Claims 1-30 and 32 are pending.

### *Claim Objections*

2.     Claim 19 is objected to because of the following informalities:

a.     As per claim 19, line 7: "resource located associated" should be "resource

associated".

Appropriate correction is required.

### *Allowable Subject Matter*

3.     Claims 4-8, 11-22, 24-25, 30 and 32 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).


5.      Claims 1-3, 9-10, 23 and 26-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fresko (Patent Number 7,293,267) in view of Schmidt et al.

('Schmidt' hereinafter) (Publication Number 2005/0262181).

As per claim 1, <u>Fresko</u> teaches

A method for isolating access by application programs to native resources provided by an operating system, the method comprising instructing a suitably programmed computer to perform the steps of: (see abstract and background)

a  request for a native resource provided by an operating system and stored in a memory element provided by a computer, the request made by a process executing on behalf of a first user; (column 2, lines 16-18)

(b) locating in the memory element an instance of the requested resource; (column 2, lines 25-28)

and (c) responding to the request for the native resource using the instance of the requested native resource. (column 2, lines 16-18)

<u>Fresko</u> does not explicitly indicate "(a) redirecting to an isolation environment comprising a user isolation layer and an application isolation layer", "associated with a user isolation scope provided by the user isolation laver on behalf of a first user" and "located in the memory element and associated with the user isolation scope".

However, <u>Schmidt</u> discloses "(a) redirecting to an isolation environment comprising a user isolation layer and an application isolation layer" (paragraph [0056], lines 2-5), "associated with a user isolation scope provided by the user isolation laver on behalf of a first user" (paragraph [0055], lines 3-6) and "located in the memory element and associated with the user isolation scope" (paragraph [0055], lines 5-8).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Fresko</u> and <u>Schmidt</u> because using the steps of "(a)

redirecting to an isolation environment comprising a user isolation layer and an

application isolation layer", "associated with a user isolation scope provided by the user

isolation laver on behalf of a first user" and "located in the memory element and

associated with the user isolation scope" would have given those skilled in the art the

tools to improve the invention by allowing the support of multiple platforms by using

machine-independent and architecture-neutral operating environments. This gives the

user the advantage of the ability to run software on a variety of platforms in order to take

advantage of legacy hardware.


As per claim 2, <u>Fresko</u> teaches

step (b) comprises failing to locate an instance of the requested native resource

associated with the user isolation layer. (column 2, lines 23-26)


As per claim 3, <u>Fresko</u> teaches

step (c) comprises redirecting the request to the application isolation layer.

(column 2, lines 33-35)


As per claim 9, <u>Fresko</u> teaches

hooking a request for a native resource made by a process executing on behalf

of a first user. (column 2, lines 27-29)

As per claim 10, <u>Fresko</u> teaches

intercepting a request for a native resource made by a process executing on

behalf of a first user. (column 2, lines 34-36)


As per claim 23, <u>Fresko</u> teaches

An apparatus for isolating access by application programs to native resources

provided by an operating system, the apparatus comprising: (see abstract and

background)

computer-readable program means for associating an instance of a native

resource provided by an operating system; (column 2, lines 25-28)

and computer-readable program means for intercepting a request for a native

resource made by a process. (column 2, lines 16-18)

<u>Fresko</u> does not explicitly indicate "with a user isolation scope provided by an

isolation environment comprising an application isolation laver and a user isolation

laver, the user isolation scope corresponding to a user" and "executing on behalf of the

user and redirecting the request to the instance of the resource associated with the user

isolation scope".

However, <u>Schmidt</u> discloses "with a user isolation scope provided by an isolation

environment comprising an application isolation laver and a user isolation laver, the

user isolation scope corresponding to a user" (paragraph [0055], lines 6-9) and

"executing on behalf of the user and redirecting the request to the instance of the resource associated with the user isolation scope" (paragraph [0056], lines 2-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine <u>Fresko</u> and <u>Schmidt</u> because using the steps of "with a user isolation scope provided by an isolation environment comprising an application isolation laver and a user isolation laver, the user isolation scope corresponding to a user" and "executing on behalf of the user and redirecting the request to the instance of the resource associated with the user isolation scope" would have given those skilled in the art the tools to improve the invention by allowing the support of multiple platforms by using machine-independent and architecture-neutral operating environments. This gives the user the advantage of the ability to run software on a variety of platforms in order to take advantage of legacy hardware.

As per claim 26, <u>Fresko</u> teaches

the computer-readable program means for intercepting a request returns a handle to the requesting process that identifies the native resource. (column 2, lines 23-26)

As per claim 27, <u>Fresko</u> teaches

computer-readable program means for specifying behavior for the computer-readable program means for intercepting a request when redirecting the request. (column 2, lines 33-35)

As per claim 28, <u>Fresko</u> teaches

the computer-readable program means for intercepting a request comprises a file

system filter driver. (column 2, lines 34-36)


As per claim 29, <u>Fresko</u> teaches

the computer-readable program means for intercepting a request comprises a

function hooking mechanism. (column 2, lines 27-29)


### *Response to Arguments*

6.      Applicant's arguments with respect to claims 1-3, 9-10, 23 and 26-29 have been

considered but are moot in view of the new ground(s) of rejection.


### *Conclusion*

7.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is

considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-

7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit 2168

Jay Morrison                                    Tim Vo
TC2100                                          TC2100